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Examiner: **B. Whiteman**

Date: **January 5, 2004**

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From: **Andrew F. Nilles**

Your Reference: **0046 US 00 ORD**

Client/matter number: **2578-4509.1US**

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/028,262	RECEIVED CENTRAL FAX CENTER JAN 05 2004
	Filing Date	August 10, 2001	
	First Named Inventor	Havenga et al.	
	Group Art Unit	1635	
	Examiner Name	B. Whiteman	
	Attorney Docket Number	2578-4509,1US	

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Postcard receipt acknowledgment (attached to the front of this transmittal) <input checked="" type="checkbox"/> Duplicate copy of this transmittal sheet in the event that additional filing fees are required under 37 C.F.R. § 1.16 <input type="checkbox"/> Preliminary Amendment <input type="checkbox"/> Response to Restriction Requirement/Election of Species Requirement dated <input type="checkbox"/> Amendment in response to office action dated <input type="checkbox"/> Amendment under 37 C.F.R. § 1.116 in response to final office action dated <input type="checkbox"/> Additional claims fee - Check No. in the amount of \$ <input type="checkbox"/> Letter to Chief Draftsman and copy of FIGS. with changes made in red <input type="checkbox"/> Transmittal of Formal Drawings <input type="checkbox"/> Formal Drawings (sheets)	<input type="checkbox"/> Information Disclosure Statement, PTO/SB/08A; <input type="checkbox"/> copy of cited references <input type="checkbox"/> Supplemental Information Disclosure Statement; PTO/SB/08A; copy of cited references and Check No. in the amount of \$180.00 <input type="checkbox"/> Associate Power of Attorney <input type="checkbox"/> Petition for Extension of Time and Check No. in the amount of \$ <input type="checkbox"/> Petition <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Assignment Papers (for an Application)	<input checked="" type="checkbox"/> Terminal Disclaimer for 09/517,898 with check in the amount of \$55.00 <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks The Commissioner is authorized to charge any additional fees required but not submitted with any document or request requiring fee payment under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account 20-1469 during pendency of this application.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or individual name	Andrew F. Nilles	Registration No. 47,825
Signature	<i>Andrew F. Nilles</i>	
Date	December 19, 2003	

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PATENTING REJECTION OVER A PENDING SECOND APPLICATION**Docket Number (Optional)
2578-4609.1US

In re Application of: Havenga et al.

Application No.: 09/928,262

Filed: August 10, 2001

For: GENE DELIVERY VECTORS WITH CELL TYPE SPECIFICITY FOR PRIMARY HUMAN CHONDROCYTES

The owner, Crucell Holland B.V. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/517,898, filed on March 3, 2000. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

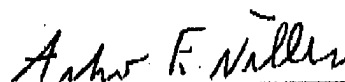
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12/19/2003

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Date

Andrew F. Nilles

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